

# Krueger ousts Simonson



Moria Krueger smiles in victory, while Archie Simonson hugs his granddaughter, Caroline.

— State Journal photos by J.D. Patrick

## Incumbent loses by 8,809 votes

By Anita Clark  
Of The State Journal  
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Atty. Moria Krueger became Dane County's first woman judge Wednesday when she defeated Archie Simonson by 8,809 votes in the recall election.

Ms. Krueger, the first candidate to challenge the incumbent Simonson, won 35 percent of the total votes in the first judicial recall election in Wisconsin history.

The special election attracted about 48 percent of the county's eligible voters.

The total vote was:

Krueger.....	27,244
Simonson.....	18,435
Daniel Moeser.....	15,250
William Bradford Smith.....	8,446
Robert Burr.....	5,190
Worth Piper.....	3,342

Ms. Krueger, 33, an attorney in private practice, called her runaway victory a sign of the people speaking out for "the fair application of the law."

"I feel the voters of Dane County were saying they wanted someone with principles in their court," the newly-elected judge said, trying to escape the crush of well-wishers gathered at a friend's home for a victory celebration.

She will take office Sept. 19 if the election results are certified today by canvassers, said County Clerk Francis Hebl.

Ms. Krueger said she believed people read the transcript of Simonson's May 25 juvenile sexual assault hearing, understood what was said, made their decision "and we had the answer for them."

It was during that hearing that Simonson commented on Madison's sexual permissiveness and women's provocative clothing before sentencing a 15-year-old boy to a year's home supervision for second degree sexual assault.

"I don't feel it could be characterized as a vote by any interest group or feminist vote," Ms. Krueger said. "The vote came from many areas and factions of the county and again, was a vote by people who cared."

Simonson took a slight early lead in returns from rural Dane County, but Ms. Krueger quickly overtook him as

At a small gathering of family and friends Wednesday night, Simonson, 52, said he would not run for office again.

"I'm not a politician, I'm a judge. There's a big difference," he said, adding that he probably will practice law.

The outcome may have indicated that the voting public decided that as long as there was an election they would vote for someone they liked better than Simonson, the judge said.

He emphasized during the campaign that the sole issue was whether he should be removed from office, not his record or the qualifications of the candidates.

"The verdict is in," Simonson said. "I lost."

Several of the other losing candidates expressed surprise at the outcome of the election.

Both Daniel Moeser and William Bradford Smith said they expected the race to be closer than it was and were surprised at the large turnout.

"At least we don't have to worry about claims that the voters vindicated Archie Simonson," Smith said. "I was afraid the national media had oversimplified issues and would interpret a win for him as vindicating him (for his remarks)."

Moeser also said he was surprised at the outcome and noted that "apparently about 75 percent of the voters didn't like Simonson for one reason or another."

He said he expects to run for judge again and "there's a good chance I will run in April (when Ms. Krueger must face reelection)."

Moeser, who was critical of Ms. Krueger for spending more than \$15,000 in the race, said the relatively large amount of money was a factor in her victory, but added, "She ran a super campaign and had great people working for her, and I don't want to detract from that."

Saying he expected to do better than he did in the race, Smith attributed his poor showing to the fact that

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# Recall Simonson

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It is unlikely that Dane County Judge Archie Simonson has the confidence and respect of the majority of Dane County residents, qualities vital to a presiding judge. This is why he should, and probably will, face a recall election.

Simonson outraged much of the community with his remarks in a rape case involving three teenage boys and a teenage girl. He said the attack was brought on in part by a permissive society and provocative clothing worn by women.

In sentencing one of the boys to a year of home and court supervision, Simonson asked: "Should we punish severely a 15-or-16-year-old who reacts to it normally?"

New state law treats rape as an assault rather than a crime against sexual morality. The following remarks were included in a background memorandum by legislative staff members to authors of the new sexual assault statute:

"Rape is not a crime of passion, but a violent act of aggression which threatens the life and body of the victim. It is not only a crime by men against women but includes a myriad of victims (children, men and women) as well as a variety of offensive sexual acts (anal, oral or genital) against the bodies of these individuals. Force or threat of force is usually present but its absence should not prevent prosecution of the case. *The focus should be on the acts of the wrongdoer and not on those of the victim*" (emphasis added.)

Whatever Simonson thinks of the moral tone of Madison, it cannot be used as an excuse for the physical assault of one person against another as

defined by law.

Simonson continues to stick by his guns, giving interview after interview in attempts to justify his position.

He has contended that mail to his office is running about half for his position and half against with much of the nationwide response favoring his position. Our mail does not bear that out. With two exceptions, the large volume of mail to The Wisconsin State Journal from the city, state and beyond has been in opposition to Simonson.

There are three ways to remove a judge during his term of office — impeachment, legislative address and recall. The first two would be unwieldy and time-consuming. The third seems most logical.

A special recall election can be forced by petition signatures totaling 25 percent of the number of votes cast in Dane County in the last gubernatorial election — slightly more than 21,000. Petitions are being circulated.

If the public uproar in the past several days is any indication, the petitioners will be successful. One lawyer has announced her intention to oppose Simonson if the recall election takes place. Undoubtedly there will be others. Under state law there is no limit to the number of candidates who can run and no provision for a runoff. The candidate with the most votes wins.

At this point — because of the rape remarks and pronouncements and decisions of similar quality in the past — a recall election appears to be the only way to clear the air in the Simonson case. The voters should be allowed to decide whether they made a mistake in electing Simonson five years ago and, if so, to correct that mistake at the polls.



# Judge to press Simonson case

Recall JUN 18 1977

By Anita Clark  
Of The State Journal

The Rock County judge appointed to rule on releasing court transcripts from Judge Archie Simonson's recent juvenile sexual assault case met Friday with attorneys in the case and said he hopes to proceed as quickly as possible.

Judge Edwin C. Dahlberg, Beloit, discussed the case in Madison with the attorneys involved.

He ordered transcripts given to lawyers representing the juveniles with the understanding the contents are confidential and not to be disclosed except by court order.

Also discussed at the conference was the possibility of appointing an attorney to represent the interests of the 16-year-old victim of the assault last fall at West High School.

## Other parts sought

Dist. Atty. James Doyle Jr. told Dahlberg he feels strongly that the court should consider releasing other parts of the record, including the delinquency petition and the transcript from Jan. 11, when the youth pleaded no contest to second degree sexual assault.

Dahlberg said he has read only Simonson's petition for a new judge but will read the transcript before proceedings continue.

Also present at the conference with Dahlberg were Simonson's attorney, Richard Cates; another member of Cates' firm, John Carlson; juvenile prosecutor Meryl Manhardt; Legal Services Center Director Robert O. Burr and a Wisconsin State Journal reporter.

(Burr, a candidate for Simonson's seat if a recall election is held, was substituting for another attorney and participated in the conference Friday after the others said they had no objection.)

Everyone present agreed the matter should be decided as soon as possible, and Dahlberg said he would do everything he could to accommodate the lawyers.

While attorneys were conferring with Dahlberg, organizers of the drive to recall Simonson denounced a Capital Times editorial Friday that reversed its previous endorsement of the recall effort.

The editorial said recall is not the appropriate way to deal with Simonson, saying many persons are motivated by the wrong reasons, including racial hate, and said there is a dubious possibility at best of actually defeating Simonson in a special election.

## 17,000 signatures

Representatives of the Dane County Committee to Recall Judge Simonson said they have about 17,000 of the required 21,000 signatures to set a special recall election.

They said they were dismayed by the Capital Times' "flip flop" in position and its emphasis on Simonson's disposition of the case.

"The transcripts are irrelevant and are being used by Simonson and his attorney to divert the voters of Dane County from the real issue," the group said.

Emphasizing widespread public support for the recall drive, the group said the issue is Simonson's insulting attitudes and apparent lack of understanding of rape and Wisconsin's new sexual assault law.

"Surely the voters have the same right" as the press to criticize actions and statements of public officials, the group said.

Saying there are racial overtones in the recall campaign is raising a false issue, the group said.

The press responded in panic to the same persons who first revealed the races of the youths and then called the recall campaign racist, the committee said.

The victim of the assault is white and the three youths are black, a fact that was not reported until some persons attributed the furor over Simonson's remarks and decision to racial prejudice.

Recall committee member Judy Sikora said her personal opinion is that the Capital Times editorial "is a white liberal guilt trip reaction. You accuse a white liberal of being a racist and they fall all over themselves."

## Began May 25

The controversy began with a May 25 dispositional hearing before Simonson for a 15-year-old youth who had been ruled delinquent after pleading no contest to the assault charge.

Another youth who pleaded no contest had been sent to a Milwaukee boys home and charges were dropped against the third boy.

Simonson allowed the youth to remain at home for a year under court supervision, a decision recommended by social workers.

In a plea bargain, the boy's attorney agreed not to argue to keep him at home and the prosecutor agreed not to seek correctional placement unless a pre-sentence report recommended it. The charge was not reduced.

Ms. Manhardt argued at the hearing for social services placement of the boy in a residential treatment center.

During the hearing Simonson commented on Madison's sexually permissive environment and provocative clothing worn by women in a discussion of how responsive he should be to the community in the sentencing.

"Are we supposed to take an impressionable person, 15 or 16 years of age, who can respond to something like that, and punish that person severely because they react to it normally?" Simonson asked during the hearing.

In subsequent comments, Simonson said he did not mean to refer to this case or say that rape was normal, but he called women sex objects, told them to stop teasing men and suggested feminists trying to reduce rape should evaluate their own mode of dress as well as other excess sexual stimuli in the community.

After a week of national attention and controversy, Simonson hired Cates, stopped talking to reporters and said he believed release of the transcript would have a chilling effect on the recall effort. He later asked for another judge to rule on releasing the court records, and Dahlberg was appointed by Chief Justice Bruce Beilfuss.